

Remarks

In response to the Requirement for Restriction mailed March 25, 2008, Applicants elect, without traverse, Group I, Claims 1-21 and 24-25, drawn to a method for determining whether an individual has an enhanced, diminished, or average probability of exhibiting one or more phenotypic attributes, classified in class 702, subclass 19.

Applicants also elect the species as follows:

First species election requirement: Species B (reads on at least claims 1-8), preselected set of markers that comprises a plurality of promoter sequences. Applicants note that this election should be directed to a species of “regulatory regions” rather than being limited to “promoter sequences”. It should be appreciated that while a promoter is a species of a regulatory region, intronic regulatory regions should also be included as well as other regulatory regions. Applicants respectfully submit that a search for a “preselected set of markers that comprises a plurality of regulatory sequences” would not place an undue burden on the Examiner. (See originally filed specification at paragraphs [0022]; [0069]; and [0138] as examples of support for “regulatory” regions).

Second species election requirement (readable on at least claims 1 and 6): Species H, selecting preselected set of markers by prioritizing by degree of phenotypic significance. Applicants submit that it would not place a burden on the Examiner to additionally search Species G, directed to “prioritizing by quality of supporting research”. The quality of the supporting research would be an inherent aspect of degree of phenotypic significance.

Third species election requirement (readable on at least claims 1 and 8): As with the second species election requirement, Applicants elect Species M, directed to “scoring matrix that prioritizes markers with respect to quality of supporting research”. As noted above, Applicants submit that it would not place a burden on the Examiner to additionally search prioritizing by degree of phenotypic significance since these two aspects are directly related. The quality of the supporting research is an inherent aspect of degree of phenotypic significance.

Forth species election requirement (readable on at least claims 9 and 11): Applicant selects the species encompassing general medical physiological values.

Fifth species election requirement (readable on at least claims 9 and 12-15): Species P, selection criteria that is a function of the probability determination(s) for one or more other phenotypic characteristics.

Sixth species election requirement (readable on at least claims 9, 16 and 17-18): Species R, organizational matrix that groups phenotypic characteristics related to similar physiological systems together.

Seventh species election requirement (readable on at least claims 9, 16 and 19-20): Species S, organization matrix that ranks the phenotypic characteristics as a function of the potential impact on the individual's lifestyle or quality of life.

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Conclusion

The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

Please charge \$820.00 to Deposit Account No. 07-1896 to cover a Four Month Extension of Time fee. No additional fee is believed due in connection with this Response to Restriction Requirement. The Commissioner is hereby authorized to charge any fees required by this submission, or make any credits or overpayments, to Deposit Account No. 07-1896 referencing the above-identified attorney docket number.

Respectfully submitted,

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Lisa A. Haile, J.D., Ph.D.
Registration No.: 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

DLA PIPER US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO Customer No.: 28213